

**SECTION 11**  
**RULES RELATING TO ADULT INFRACTIONS**  
**TRAFFIC INFRACTION TRIALS**

**RULE 11.01 (RESERVED) TYPES OF CASES**

~~Special traffic infraction trial calendars are established for the trial of infraction matters not involving accidents, in which the defendant is in pro per. They include all infractions identified in state statutes or codes, or city or county ordinance codes. Trials of infractions, if they involve traffic accidents, or if counsel is appearing, shall be scheduled on regular court trial calendars on which the District Attorney appears, and are not governed by this Section 11.~~

~~(Amended Adopted, effective August 15, 2015 July 1, 1992)~~

**RULE 11.02 (RESERVED) TIME AND PLACE**

~~Infraction trials shall be set on special calendars to be announced by the court, from time to time.~~

~~(Amended Adopted, effective August 15, 2015 July 1, 1992)~~

**RULE 11.03 CONTESTING A TICKET SCHEDULING AND BAIL**

A defendant who has received a written notice to appear may contest the citation or ticket by taking one of the following actions:

- (A) Appear in person at arraignment and plead not guilty, at which time a future date for a court trial will be assigned. No deposit of bail (also referred to as payment of fines) is required to appear in court for arraignment or trial.
- (B) Request a date for combined arraignment and court trial by contacting the Traffic Unit during normal business hours. The request must be received prior to the time at which the defendant is required to appear. Pursuant to Vehicle Code section 40519, full bail must be deposited before a trial date will be assigned. Bail shall include all assessments under section 42006 of the Vehicle Code and section 1464 of the Penal Code.
- (C) Request a Trial by Declaration, as set forth in Rule 11.06. The request must be received prior to the time at which the defendant is required to appear. Pursuant to Vehicle Code section 40802(b), full bail must be deposited at the time the written declaration is submitted.

~~All defendants requesting an infraction court trial shall post bail pursuant to Vehicle Code section 40519 and only upon receipt of bail shall a date for trial be set. The requirement to post bail can only be waived by the court under unusual circumstances where the interest of justice so requires. The posting of bail is necessary to guarantee the appearance of the defendant and to apply toward the payment of any fine or assessment prescribed by the court in the event of conviction. Bail shall include all assessments under section 42006 of the Vehicle Code and section 1464 of the Penal Code.~~

~~(Amended Adopted, effective August 15, 2015 July 1, 1992)~~

#### **RULE 11.04 (RESERVED) APPEARANCES**

No party shall be represented by counsel on the special traffic infraction trial calendars identified in this Rule. ~~The defendant shall be present or the matter will proceed in accordance with Vehicle Code §40512.5, which reads, in pertinent part, as follows:~~

~~“Section 40512.5(a) Except as specified in subdivision (b), if at the time the case is called for trial the defendant does not appear, either in person or by counsel, and has not requested in writing that the trial proceed in his or her absence, the court may declare the bail forfeited and may, in its discretion, order that no further proceedings be had in the case, or the court may act pursuant to Section 1043 of the Penal Code. However, if the defendant has been charged with a violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and he or she has been previously convicted of a violation of the same section, the court may declare the bail forfeited, but shall issue a bench warrant for the arrest of the person charged, except if the magistrate finds that undue hardship will be imposed upon the defendant by requiring him or her to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in the case.~~

~~(b) If the defendant has posted surety bail and the magistrate has ordered the bail forfeited and that no further proceedings shall be had in the case, the bail retains the right to obtain relief from the forfeiture as provided in Section 1305 of the Penal Code if the amount of the bond, money, or property deposited exceeds seven hundred dollars (\$700).”~~

- ~~(A) A party may have witnesses present and may request subpoenas for their appearance, but must do so at least five (5) days prior to the trial date.~~
- ~~(B) In the event a party desires to be represented by counsel, the party shall notify the court at least five (5) working days in advance of the scheduled trial date and the matter shall then be reset to an appropriate trial calendar.~~
- ~~(Amended, effective August 15, 2015 ~~July 1, 1999~~)~~

#### **RULE 11.05 TRIAL CONTINUANCES**

A request for continuance of court trial must be received ~~No continuance of a trial shall be permitted unless the party requesting the continuance requests the same at least ten (10) five (5) working days in advance of the trial date.~~

An untimely request for ~~No~~ continuance will not be granted ~~thereafter~~ unless the interest of justice shall so require.

~~(Amended Adopted, effective August 15, 2015 ~~July 1, 1992~~)~~

#### **RULE 11.06 TRIALS BY DECLARATION**

- (A) A defendant may elect to have a trial by declaration as fully set forth in Section 40902 of the Vehicle Code and Rule 4.210 of the California Rules of Court.

- (B) Failure to appear as promised (FTA) on a traffic infraction will result in the Court deeming that the defendant has consented that the Court may proceed in absentia, in a trial by written declaration pursuant to Vehicle Code section 40903, and the case will be adjudicated solely on the merits of the citing document. The Court will notify the defendant of the disposition of the case and the amount of the imposed fines and penalties and a notice of conviction shall be reported to the California Department of Motor Vehicles.

(Amended, effective October 15, 2014)

## **RULE 11.07 TRAFFIC SCHOOL**

~~This court will permit~~ Attendance at a court-approved traffic school is allowed for offenses which are eligible for dismissal under the Vehicle Code as a means of obtaining a dismissal of a traffic charge which is susceptible of dismissal under California Law. Rules of eligibility and procedures for completing traffic school shall be established by the court, from time to time, and shall be made available to the general public in the clerk's offices.

(Amended and Adopted, effective July 1, 1992; renumbered effective August 15, 2015)

## **SECTION 12 (RESERVED) MISCELLANEOUS TRAFFIC INFRACTION RULES**

## **~~RULE 12.01 TRAFFIC SCHOOL~~**

~~This court will permit attendance at a court-approved traffic school as a means of obtaining a dismissal of a traffic charge which is susceptible of dismissal upon successful completion of traffic school under California Law. Rules of eligibility and procedures for completing traffic school shall be established by the court, from time to time, and shall be made available to the general public in the clerk's offices.~~

~~(Adopted, effective July 1, 1992)~~